

COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING
MEMORANDUM

DATE: January 7, 2011
TO: Loudoun County Planning Commission
FROM: Ginny Rowen, Project Manager
SUBJECT: **January 12, 2011 Planning Commission Work Session**
ZMAP 2002-0017, SPEX 2008-0026, SPEX 2008-0027 – Parc Dulles II

BACKGROUND

The application was heard by the Commission at the November 19, 2009 Planning Commission public hearing. One member of the public cited general concerns about residential development and its impact on surrounding schools to handle the increased number of students. The Planning Commission cited concerns regarding fiscal, capital facilities, school, and environmental impacts. Concerns were also cited about the proposed phasing / linkage between the residential and non-residential components. The Commission maintained that the project should be reviewed concurrently with the Dulles Town Center (ZMAP 2007-0001, SPEX 2008-0047, SPEX 2008-0048) application in order to assess the overall impact of both developments. The applications were forwarded to a work session to continue discussing the outstanding issues cited in the staff report and at the public hearing (voting 8-0-1 Ruedisueli absent).

The Planning Commission held two work sessions - on July 21, 2010 and September 22, 2010 to discuss the following issues identified in the staff report and at the public hearing:

- non-compliance with land use and design policies;
- phasing / linkage provisions between the residential and non-residential components;
- inadequate capital facilities contributions;
- inadequate commitments to implement the proposed Stream Valley Plan;
- stormwater management concerns;
- zoning issues (comprehensive plan conformance, the purpose of a PD-CC-CC (Commercial Center-Community Center district), and zoning modification requests);
- increased school impacts; and
- transportation issues (the need for a 4-lane extension of Haleybird Drive to Loudoun Tech Center, a cash equivalency for traffic signals, and provisions for transit contributions).

Subsequent to the public hearing and the work sessions, the applicant made the following changes to the application:

- removed a Special Exception request for a fire and rescue site in the southeast corner of the property because the County has approved a 5-acre site at the Kincora property;
- reoriented the proposed commercial uses along the Nokes Boulevard frontage in accordance with Planning Commission suggestions; and
- removed the previously proposed 1.6 acre public use site and has agreed to construct private civic uses consisting of a gazebo near the BMP facility 1 and a pavilion in the community green consisting of a minimum of four picnic tables and two grills.

Staff and the applicant have continued to discuss potential resolutions of the remaining issues. An updated plat dated January 6, 2011 and revised proffers dated January 6, 2011 (submitted on January 7, 2011) have been submitted in response to zoning comments. There has not been sufficient staff time to review the changes to the proffers to determine if there are any remaining transportation and zoning concerns. Staff is continuing to meet to resolve Environmental Review Team issues related to the most appropriate methodology to ensure noise study accounts for future noise levels and the most appropriate techniques to implement the proposed water / energy conservation measures. Staff has attached a copy of the September 22, 2010 work session staff memo for background information. The following issues remain outstanding:

1. **Provide a capital facilities contribution consistent with the Capital Intensity Factors adopted by the Board of Supervisors on July 21, 2009.** In accordance with Board policies a contribution of \$23,578 per market rate multi-family unit, (total of \$9,907,086) is anticipated. The proffers (Proffer VI.A.) state that the applicant will pay \$10,937 per dwelling unit for a total contribution of \$4,866,965 if the project is built out. The proposed contribution is significantly less than the anticipated contribution amount. The applicant maintains that the most recently adopted capital facilities amount should not apply to this application, since the proposal was originally submitted and heard by the Planning Commission in 2004. Staff maintains that the most recently adopted numbers should apply since this is a completely new land development proposal than the application that was originally reviewed by the Planning Commission in 2004.

Update: On September 15, 2010 the County Attorney and staff discussed the Board policy related to capital facilities impacts. The County Attorney maintains that since this application is a new proposal that required extensive staff review and an additional Planning Commission public hearing, the most recently adopted capital facilities amounts should apply to the project. **Staff Issue Unresolved (total of \$9,907,086 anticipated to mitigate capital facilities impacts).**

2. **Chapter 3, policy #6 of the Revised General Plan specifies that cash contributions should include an escalation clause that is tied to the Consumer Price Index.** The draft proffers (Section VII.C.) state that contributions shall be

adjusted annually by the lesser of 1.) 2.5% or 2.) the actual change in price as measured by the U.S. City Average Consumer Price Index for All Urban Consumers (CPI). The proposed escalation clause does not ensure that the contribution amounts will keep up with inflation.

Update: In accordance with Revised General Plan proffer policies, the applicant should remove the annual adjustment cap of 2.5% and proffer the actual change in price as measured by the CPI. **Staff Issue Unresolved.**

3. **A cash equivalency should be provided for future traffic signals.** The applicant has proffered to provide traffic signals at the intersection of Haleybird Drive/ City Center Boulevard and the Nokes Boulevard entrance. The County anticipates that two traffic signals will be needed to accommodate site traffic- one at the proposed site entrance off Nokes Boulevard and one at the intersection of City Center Boulevard and Haleybird Drive. The applicant has proffered to submit a traffic signal warrant analysis and a construction plan within 60 days from VDOT's determination that the signals are warranted. Once the signalization plan is approved the applicant shall diligently pursue construction of the signals. If signals are not needed at the time the warrant study is completed, the applicant's proffers do not provide any obligations to provide traffic signals in the future. If traffic signals are not warranted at a specific time, developers generally provide cash equivalencies to cover the cost to install traffic signals in the future when the signal is needed. If a cash equivalency is not provided in this application, public funds would be required to install traffic signals at these intersections sometime in the future.

Update: The current proffers do not provide a cash equivalency for future traffic signals. Transportation staff notes that based on current cost estimates, a \$300,000 contribution would be appropriate for the Haleybird Drive / City Center Boulevard Drive signal and \$275,000 would be appropriate for the Nokes Boulevard entrance to cover the costs to install the signals. **Staff Issue Unresolved**

4. **Extension of Haleybird Drive.** A four-lane section of Haleybird Drive is already completed along the northern property line. The adjacent property to the west (Loudoun Tech Center) has already dedicated sufficient right-of-way to accommodate a four-lane extension of Haleybird Drive to Ridgetop Circle.

Update: The applicant has proffered to construct a 4-lane section of Haleybird Drive to connect with Ridgetop Circle in Loudoun Tech Center prior to approval of the initial residential permit or prior to occupancy of the 50,000th square foot of commercial development. Transportation staff continues to have the following concerns regarding Haleybird Drive:

- The applicant should delete all of the caveats regarding the need to obtain off-site easements and rights-of-way to construct the 4-lane section in Loudoun Tech Center. (Staff has verified that there is adequate right-of-way to construct a 4-lane extension of Haleybird Drive.) It is the applicant's responsibility to determine whether off-site easements are necessary and obtain them if needed. Staff would support the inclusion of standard eminent domain language that is generally included in proffers to cover the possibility that the

off-site easements cannot be obtained.

- Although Haleybird Drive has been constructed along the property frontage, the right-of-way has not been dedicated. This area should be dedicated to ensure that the entire road will be accepted into the VDOT secondary road system once it is completed.
- The applicant has requested a 50% credit against their capital facilities contribution to construct the road. Staff agrees that a 50% credit for this off-site road segment is appropriate; however, a construction cost estimate must be submitted to the County during this legislative review process to verify the credit amount. **STAFF ISSUES UNRESOLVED.**

STAFF RECOMMENDATION

Staff continues to recommend denial of the application based on land use impacts, inadequate capital facilities contributions, and transportation impacts.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2002-0017 and SPEX 2008-0027, Parc Dulles II, to the Board of Supervisors with a recommendation of denial based on the attached Findings. OR
2. I move that the Planning Commission forward ZMAP 2002-0017, and SPEX 2008-0027, Parc Dulles II, to an additional work session for further discussion. OR
3. I move that the Planning Commission forward ZMAP 2002-0017 and SPEX 2008-0027, Parc Dulles II, subject to the proffers dated January 6, 2011, to the Board of Supervisors with a recommendation of approval, based on the following findings.

Attachments:

1. September 22, 2010 Planning Commission work session memo
2. Applicant response memo dated January 7, 2011
3. Draft Proffers dated January 6, 2011
4. Findings for Denial
5. OTS comments dated November 17, 2010
6. ERT comments dated December 13, 2010
7. Zoning proffer comments dated December 29, 2010
8. Rezoning Plat / CDP dated January 6, 2011